

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

ASHEVILLE DIVISION

CARYN DEVINS STRICKLAND,)
)
)
Plaintiff,)
)
v.) **Civil No. 1:20-cv-00066-WGY**
)
)
UNITED STATES, *et al.*,)
)
Defendants.)

MOTION TO POSTPONE OCTOBER 26, 2022 HEARING

Plaintiff Caryn Devins Strickland respectfully requests that this Court postpone the summary judgment/scheduling hearing that is currently scheduled for October 26, 2022 until the Fourth Circuit has ruled on her emergency motion to stay the district court proceedings pending appeal. *See* ECF No. 148, Ex. A (motion). Previously, this Court continued the hearing “[i]n view of the scheduling order” of the Fourth Circuit. ECF No. 150. For the same reasons, a further continuance of the hearing would be appropriate. An intercircuit panel has been publicly identified for the appeal, Doc. No. 38 (22-1963), but the panel has not yet ruled on the motion to stay. Because the hearing involves the same matters that are the subject of both a pending appeal and an emergency stay motion, Strickland requests that the hearing be postponed until the Fourth Circuit has ruled. *See* Ex.

A. Additionally, Plaintiff's lead counsel, Jeannie Suk Gersen, is not available on October 26, 2022.

Defendants' counsel stated that they take no position on the motion to postpone the summary judgment hearing.

This the 17th day of October, 2022.

Respectfully Submitted,

/s/ Jeannie Suk Gersen

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of October, 2022, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Joshua M. Kolsky at Joshua.Kolsky@usdoj.gov

Rachael Westmoreland at Rachael.Westmoreland@usdoj.gov

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